

Ariel Fleurimond <joaris333@gmail.com>

Banners and Contact Info

3 messages

Ariel Fleurimond <joaris333@gmail.com>

Mon, Nov 10, 2008 at 1:02 AM

To: Meredith Lewis <meredith.lewis@nyu.edu>

hey Meredith,

I'm still on Long Island and I will send you the volleyball banner once I get to my room at 10:30 tomorrow morning.

Here are two practice images for the right banners. They are 250x70 px, with a 1px black border I'm not sure what to do with the live stats banner because I have no images for it, and I'm not even sure what it represents. I just see some cut out of a guy (soccer player??) and warped text and I don't really know where you guys want to go with that. But for now here are those images and their corresponding psds. It's hard to keep the font consistent because I don't know what the default font is for the webpage. I know the fonts chosen for nyu athletics branding were freshman, century, and trajan. But other than freshman, the others don't match with any part of the site. So I used "franklin gothic" for now for the subtext.

Also in reference to something you said via email before: You said that you successfully sent the branding book package to legal, but (not shockingly) legal has not followed up with me on anything else. In the email you asked me to send, I said that the bobcat could be used only after negotiation. I think you understand that I don't want to make a big bang out of this thing and I'm trying everything within my power to avoid that. So I'm going to make an effort to do my part, before this drags out further than it already has. If you could, could you send me the contact information for your legal department, or whoever is in charge of reviewing that branding book? I will most likely need to contact them personally, so if you could send me a response on that as soon as possible, that would be great!

--

Ariel Fleurimond
Fleur-du-monde.com
516.473.1288
AIM: joaris333
MSN Messenger: joaris333@yahoo.com
ariel@fleur-du-monde.com

4 attachments



recruiting.jpg
37K



enews.jpg
30K

recruiting.psd
326K

enews.psd
304K

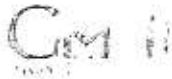
Meredith Lewis <meredith.lewis@nyu.edu>

Mon, Nov 10, 2008 at 8:58 AM

To: Ariel Fleurimond <joaris333@gmail.com>

dont sweat the Vball poster
the event was canceled
Ill get back to you on these

Meredith Lewis
New York University
Facility & Events
Palladium Athletic Facility
212.992.6503
meredith.lewis@nyu.edu
(Quoted text hidden)



Ariel Fleurimond <joaris333@gmail.com>

November 24, 2008

1 message

Ariel Fleurimond <joaris333@gmail.com>
To: Noah D. LeFevre <noah.lefevre@nyu.edu>
Cc: noah@nyu.edu

Mon, Nov 24, 2008 at 1:34 PM

1 York Drive
Wheatley Heights, NY 11798

November 24, 2008

Noah D. LeFevre, Associate Director of Athletics
Palladium Athletic Facility
140 E. 14th Street
New York, NY 10003

Dear Mr. LeFevre:

I would like to consult your legal department in reference to the New York University Department of Athletics Branding project and its use of my copyrighted mascot design. I would prefer to sort this out myself first before having my lawyer handle the matter. I know we would both prefer for an agreement to be reached before this situation escalated to that point.

It is understood that New York University must adequately compensate me for my artwork, but I have yet to be contacted since reproduction, use and marketing of this particular design. I understand that during my time as a full-time student at New York University, the only official position I have held within the Department of Athletics is that of an Equipment Room clerk at Palladium Athletic Facility. Therefore, I would like to know the status of my compensation for my copyrighted artwork that has been in use for approximately 2 years.

I expect that you are aware that graduation is near and it is in our best interest to complete this transaction before then. Furthermore, the day before I began my student summer vacation of 2008, I notified you, personally, that the mascot was being processed for registration. It is quite apparent that you have ignored that.

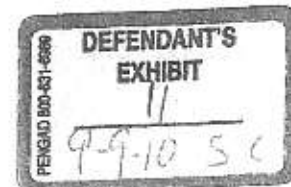
On September 16, 2008, after being contacted by your Faculty and Events Assistant, Meredith Lewis, I notified your office that this design could be used after an appropriate agreement concerning my compensation. Your assistant notified me via email that the design was sent to your legal department for branding. In an email to Meredith Lewis, dated November 10, 2008, I requested your legal department's contact information, so that I could begin an official negotiation of the branding of my artwork and my compensation. Unfortunately, you have not responded.

Hoping to hear from you soon,

Ariel Fleurimond

PS: This letter is drafted in multiple copies, with one copy remaining in my records. In order to ensure its delivery and receipt, an additional hard copy of this letter will be mailed via USPS to: Noah D. LeFevre, Palladium Athletic Facility, 140 E. 14th Street, New York NY 10003

Fleurimond_Legal.pdf
810K



Fleurimond Dec, Exhibit 6

1/15/2010 3:40 AM

NEW YORK UNIVERSITY
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Office of Legal Counsel

ELMER HOLMES BOBST LIBRARY
70 WASHINGTON SQUARE SOUTH
NEW YORK, N.Y. 10012-1091

FAX NO. (212) 995-3048

WRITER'S DIRECT DIAL NUMBER
(212) 998-2201
anna.taruschio@nyu.edu

July 10, 2009

VIA ELECTRONIC MAIL AND CERTIFIED MAIL

Mona R. Conway, Esq.
Conway Business Law Group, P.C.
33 Walt Whitman Road
Suite 310
Huntington Station, NY 11746

Re: Ariel Fleurimond

Dear Ms. Conway,

Reference is made to your letter to Mr. Terrance Nolan of June 11, 2009, which Mr. Nolan has passed on to me.

As an institution of higher learning, New York University greatly values intellectual property – both its own as well as that of others. The University also is committed to the notion that individuals should receive appropriate and fair compensation for work performed. As a result, the view expressed in your letter that Ms. Fleurimond had not been compensated for her work on behalf of the University came as a surprise to us. From our diligence we understand that your client was retained and paid as an employee of the University for all of the work that she performed on behalf of the NYU Athletics Department, including but not limited to creation of the graphic at issue. We thus consider any product of her work to have been a work for hire for the University, which, absent any other agreement to the contrary, remains the property of the University.

Moreover, we understand that Ms. Fleurimond did not work alone on the design, contrary to her assertion to the Copyright Office. Instead, the design was the result of the work of a group of individuals, each of whom, like your client, received compensation for his or her contribution to the work as an employee of the University. Therefore, given the collaborative effort associated with creation of the design, Ms. Fleurimond cannot be termed the “creator of NYU Athletics’ new mascot.”

Mona R. Conway, Esq.
July 10, 2009
Page 2

As a consequence, absent evidence from your client to the contrary, we consider the work to have been a work for hire, any product therefrom to be property of the University, and the matter to be resolved accordingly.

Lastly, we note that the design you enclosed with your letter contains the letters "NYU" at the cat's neck, and also that the copyright registration your client filed is named "Orion: the NYU All-Star." We would naturally be concerned by any use by Ms. Fleurimond of our mark to suggest endorsement or sponsorship by NYU, or that NYU is the source of any of her products or services, without securing our prior consent.

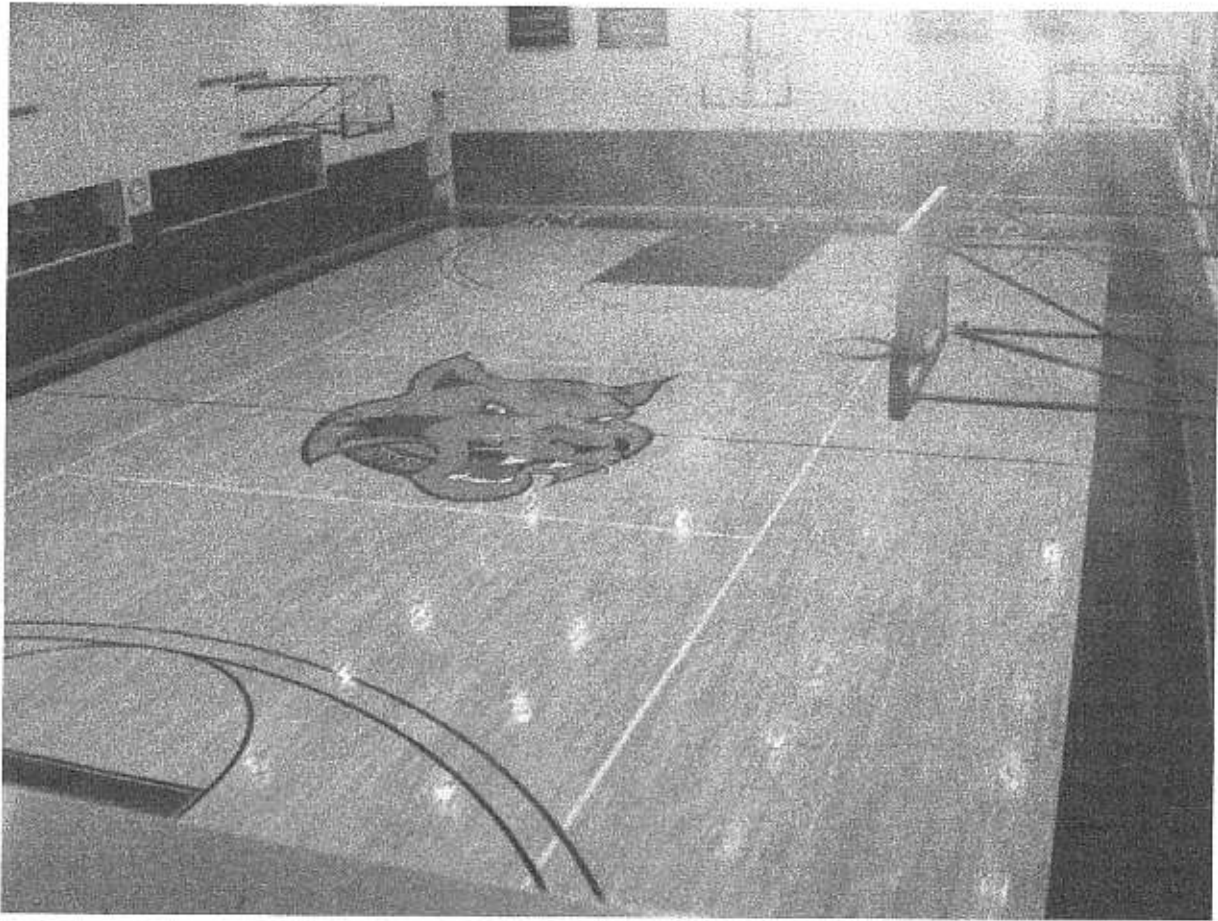
Please do not hesitate to contact me should you wish to discuss this issue further.

Kind regards,



Anna M. Taruschio
Associate General Counsel

Cc: Terrance J. Nolan, Esq.
Noah LeFevre



NYU



ATHLETICS

THE OFFICIAL WEBSITE OF NYU ATHLETICS

[NYU Athletics Home](#)

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[FAQ](#)

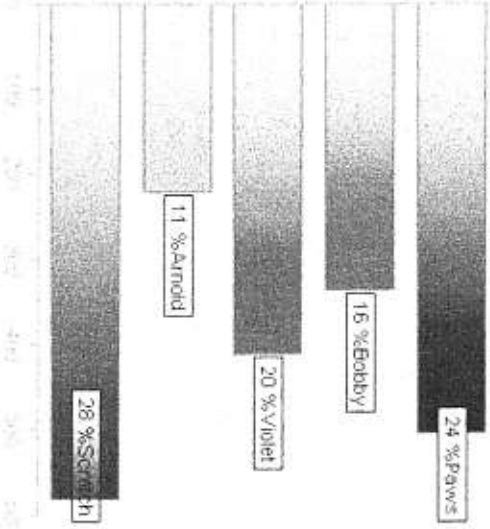
[Sweet-n-Shop](#)

[Contact Us](#)

SCOREBOARD « » 123

8:00 AM MEN'S FENCING NYU vs. COLUMBIA UNIVERSITY (FAMILY DAY)

What name would you most like to see for the new bobcat mascot?



[View Previous Poll Results](#)

QUESTION

POSTED

Which NYU Winter Team Will Have the Most Success in 2009-10?

11/22/2009

[View Results](#)

Which NYU team will have the most success during the 2009 fall season?

8/24/2009

[View Results](#)

Which NYU team's success was the most impressive in 2008-09?

5/21/2009

[View Results](#)

Which spring team at NYU has the best chance of qualifying for the NCAA Championships in its sport?

3/27/2009

[View Results](#)

Which NYU winter sports team will finish highest nationally this season?

2/11/2009

[View Results](#)

What name would you most like
to see for the new bobcat
mascot?

10/6/2008

[View
Results](#)

Which of NYU's fall sports
do you enjoy watching the
most?

8/13/2008

[View
Results](#)

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SIDELARM



POLL

Which NYU team will have the best season this winter?

- ☐ Men's Basketball
- ☐ Women's Basketball
- ☐ Men's Fencing
- ☐ Women's Fencing
- ☐ Men's Indoor Track & Field
- ☐ Women's Indoor Track & Field
- ☐ Men's Swimming & Diving
- ☐ Women's Swimming & Diving
- ☐ Men's Volleyball
- ☐ Wrestling

Vote

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SCOREBOARD « » JETBALL SWARTHMORE COLLEGE VS. MASSACHUSETTS COLLEGE OF LIBERAL ARTS vs. NYU

NYU Department of Athletics, Intramurals and Recreation Unveils New Looks



The Bobcat is now the "official" logo for NYU Athletics.

8/19/2008 1:07:14 PM

WEBSITE LAUNCH FOR NYU ATHLETICS

The New York University Department of Athletics, Intramurals and Recreation launched a new website, www.gonyuathletics.com on August 26, 2008, as the academic year got underway.

The new website offers visitors many new options, as well as quicker and easier ways to find information on NYU and its athletics department. Features such as videos, e-news updates, live stats, fan polls, extensive athlete bios, and much more are now available to website visitors.

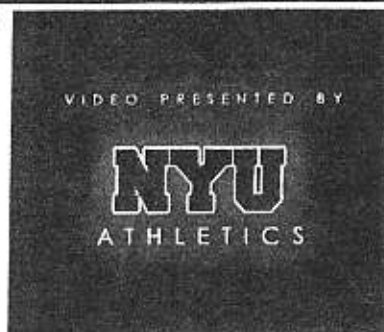
"We hope that the fresh look, features and easier navigation system will please our visitors and encourage them to visit us regularly," said Jeff Bernstein, the department's Assistant Athletic Director for Sports Information. "We are very excited about the future of NYU Athletics and with the capabilities of our new website."

NEW LOOK FOR NYU ATHLETICS

The New York University Department of Athletics, Intramurals and Recreation has launched a new set of branded logos and images as the 2008-09 academic year gets underway. The most prominent of the group is the redesigned NYU bobcat mascot.

The new NYU Athletics marks will be utilized by all of the University's intercollegiate, club teams and departments to increase the program's visibility and recognition.

"The new set of branded images will modernize the look of our athletic department while keeping all of the traditional and historical elements of NYU athletics intact," said Noah LeFevre, the athletic department's Associate Director of Athletics. "The new unified look for our programs will be a major upgrade for the general awareness level, both on and off campus, of all of our activities as we move forward."



2010 Wrestling Alumni Match
[View Video](#)



'09-10 Season Highlights
[View Video](#)



| Nov | | December 2010 | | | | | Jan |
|-----|----|---------------|----|----|----|----|-----|
| SU | MO | TU | WE | TH | FR | SA | |
| | | | 1 | 2 | 3 | 4 | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | |
| 26 | 27 | 28 | 29 | 30 | 31 | | |

Wed, Dec. 29, 2010

There are no events scheduled.

[View Composite Schedule](#)

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